



NORTH CAROLINA

STATE BOARD OF ELECTIONS

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VIA EMAIL

Joint Legislative Elections Oversight Committee

c/o The Honorable Ralph Hise, Co-Chair

c/o The Honorable David Lewis, Co-Chair

Redistricting and Elections Committee

c/o The Honorable Dan Bishop, Co-Chair

c/o The Honorable Warren Daniel, Co-Chair

c/o The Honorable Ralph Hise, Co-Chair

Elections and Ethics Law Committee

c/o The Honorable Holly Grange, Co-Chair

c/o The Honorable Destin Hall, Co-Chair

March 15, 2019

Re: Approval of Student and Employee Identification Cards Under Session Law 2018-144

Dear Co-Chairs and Committee Members:

Today was the deadline to approve student and employee identifications for use as acceptable photo identification to vote pursuant to G.S. §§ 163A-1145.2(a) and 163A-1145.3(a). Unfortunately, there were some submissions that we were not able to approve based on current statutory requirements. There were also institutions that chose not to submit a request for approval. I wanted to bring the reasons for the disapprovals to your attention in hopes that there can be a legislative remedy so that more identification cards can be approved in advance of the 2020 elections when photo identification will be required to vote.

Of the approximately 850 universities, colleges, state and local employers, including charter schools, and tribal entities that were eligible to have their identification cards approved, 81 institutions submitted requests to the State Board of Elections. We do not in all cases know why the majority of institutions chose not to request approval, but in some cases institutions raised concerns that they believed they could not meet the current statutory requirements. Others requested additional time to submit their request. Session Law 2018-144, § 1.2.(f) requires the agency to approve identification cards no later than March 15, 2019, so no extension could be granted.

My office closely reviewed all submitted applications, and we approved submissions from 72 institutions. Many colleges and universities used the form promulgated by our agency, but other institutions, including constituent institutions of The University of North Carolina, chose to submit their attestation in the form of a letter. We reviewed each letter and approved those that were consistent with statutory criteria. We disapproved applications from 13 institutions. Because the statute does not appear to allow discretion to approve applications from

institutions that do not attest to the required criteria, we believe the statute—as it currently stands—mandates these disapprovals.

G.S. §§ 163A-1145.2(a)(1)(a) and 163A-1145.3(a)(1)(a) provide that the appropriate signatory attest under penalty of perjury that the identification cards contain photographs of students or employees *taken by the university, college or employing entity or its agents or contractors*. We had multiple submissions that described a process whereby the student or employee would provide a photograph to the university, college or employing entity. In these cases, the university, college, or employing entity does not take the photograph, and thus does not comply with the statute. Some of the applications that describe a process of allowing the student or employee to submit a photograph have additional processes in place to ensure the identity of the student or employee before the identification card is provided to that student or employee. These processes may be acceptable ways of accomplishing the goal of ensuring the true identity of the individual depicted on the photograph on the identification card, but the current statutory requirement would need to be amended to allow such a process.

G.S. § 163A-1145.2(a)(1)(b) provides that the appropriate signatory attest under penalty of perjury that the identification cards “are issued after an enrollment process that includes methods of confirming the identity of the student that *include*, but are not limited to, the *social security number, citizenship status, and birthdate* of the student” (emphasis added). We had some submissions that indicated that not all students are asked to provide their social security number, citizenship status and/or birthdate. For example, one university indicated that it requests all applicants to provide the required information but they have several programs that allow local high school students to take courses on campus, and these students receive university identification cards without going through the process that requests social security number, citizenship status and birthdate. However, some universities and colleges explained that their processes confirm the identities of their students in ways outside of Social Security number, citizenship status or birthdate. Some of these processes might be satisfactory to confirm the identity of the student but the current statutory requirement that Social Security number, citizenship status and birthdate be included in the confirmation process would need to be removed in order for these institutions to comply.

We understand that the General Assembly intended for students and employees of identified institutions to be able to use their student or employee identification card to vote. We also understand the General Assembly wants to ensure identification cards are produced in a manner that confirms the identity of the individual depicted on the identification card. It is my belief that it was for both of those important goals that requirements for the identification card were established, and the statutory approval process in the statute is a way to ensure both goals may be met.

If changes are made to address these issues, our staff stands ready to work with qualifying institutions to meet any additional deadline the General Assembly may set for submission. Please feel free to contact me if you need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Kim Westbrook Strach". The signature is fluid and cursive, with the first name "Kim" and last name "Strach" being more prominent than the middle name "Westbrook".

Kim Westbrook Strach

Executive Director